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Paper No. 28

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JUL 3 2003

In re Application of)	
Dawei Dong)	
Application No. 08/936,304)	
Filed: September 24, 1977)	DECISION ON PETITION
For: LASER LEVEL)	

This is a decision on the petition filed May 8, 2003, to withdraw the holding of abandonment of the above-identified application.

The petition is GRANTED.

This application was held abandoned for failure to file an appeal brief in a timely manner. A Notice of Abandonment was mailed on April 14, 2003.

Petitioner states that the appeal brief was timely filed on September 25, 2002 having a certificate of mailing dated September 23, 2002. To support this assertion, petitioner has submitted a copy of the Notice of Appeal which was filed on July 30, 2002, having a certificate of mailing dated July 23, 2002 and a copy of the postcard receipt which acknowledges receipt of the Notice of Appeal. In addition, petitioner has submitted a copy of the appeal brief and a copy of a return postcard receipt which acknowledges receipt of the appeal brief.

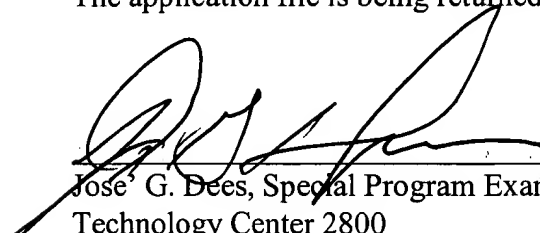
The review of the application file reveals that the appeal brief was received and match therewith. However, the appeal brief was not noticed by the examiner and the technical support staff and not entered until after the mailing of the notice of abandonment. Consequently, the appeal brief was not timely entered in the file. The application is not abandoned in fact.

For above stated reasons, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. Inconvenience to petitioner is regretted.

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The application file is being returned to the examiner for further prosecution.



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